

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

20-CA-286039

Date Filed

11/09/2021**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Valdivia Trucking		b. Tel. No. 707-836-4124
		c. Cell No. (b) (6), (b) (7)(C)
		f. Fax No. 707-837-2981
d. Address (Street, city, state, and ZIP code) 254 Colgan Avenue Santa Rosa, CA 95404	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail valdiviatrucking29@yahoo.com; info@valdiviatrucking.com
		h. Number of workers employed 27
i. Type of Establishment (factory, mine, wholesaler, etc.) Trucking company	j. Identify principal product or service Hauling of sand and gravel	

The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named employer has implemented a unilateral change in its disciplinary procedures without giving the Union notice and an opportunity to bargain. Within the last six months, the above-named employer has imposed discipline in a discriminatory fashion based on employees' support of the Union and has used discipline and the threat of discipline to restrain and coerce employees in their exercise of rights under the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Teamsters Local 665

4a. Address (Street and number, city, state, and ZIP code) 1371 Neotomas Avenue Santa Rosa, CA 95405	4b. Tel. No. 707-542-1292
	4c. Cell No.
	4d. Fax No. 707-542-1501
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
International Brotherhood of Teamsters**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

/s/ Lorrie E. Bradley
(signature of representative or person making charge)

Lorrie E. Bradley
(Print/type name and title or office, if any)

Beeson, Tayer & Bodine
492 Ninth Street, Suite 350
Address Oakland, CA 94607

Date November 9, 2021Tel. No.
510-625-9700

Office, if any, Cell No.

Fax No.
510-625-8275e-mail
lbradley@beesonayer.com**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156



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November 10, 2021

(b) (6), (b) (7)(C)

Valdivia Trucking
254 Colgan Avenue
Santa Rosa CA 95404

Re: Valdivia Trucking
Case 20-CA-286039

Dear **(b) (6), (b) (7)(C)**

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney MATT PETERSON whose telephone number is (628)221-8868. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

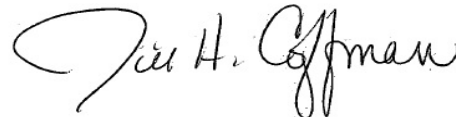
If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JILL H. COFFMAN
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 20-CA-286039
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VALDIVIA TRUCKING

Charged Party

and

TEAMSTERS LOCAL 665

Charging Party

Case 20-CA-286039

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 10, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Valdivia Trucking
254 Colgan Avenue
Santa Rosa CA 95404

November 10, 2021

Date

Caroline Barker, Designated Agent of NLRB

Name

/s/ Caroline Barker

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
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San Francisco, CA 94103-1738

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November 10, 2021

Juan Gallo
Teamsters Local 665
1371 Neotomas Avenue
Santa Rosa CA 95405

Re: Valdivia Trucking
Case 20-CA-286039

Dear Mr. Gallo:

The charge that you filed in this case on November 09, 2021 has been docketed as case number 20-CA-286039. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney MATT PETERSON whose telephone number is (628)221-8868. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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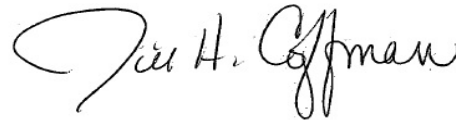
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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JILL H. COFFMAN
Regional Director

cc: Lorrie E. Bradley, Attorney
Beeson Tayer & Bodine
492 Ninth Street
Suite 350
Oakland CA 94607

Copy of charge only sent to:

Bradley T. Raymond, General Counsel
IBT
25 Louisiana Avenue NW
Washington DC 20001

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Individual	and
------------	-----

CASE 20-CA-286039

Valdivia Trucking

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Valdivia Trucking

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Diane Aquí	
MAILING ADDRESS: 418 B Street, Fourth Floor	
Santa Rosa CA	
E-MAIL ADDRESS: daqui@smithdollar.com	
OFFICE TELEPHONE NUMBER:	7079213911
CELL PHONE NUMBER:	FAX: 7075221100
SIGNATURE: <i>Diane Aquí</i>	
DATE: Tuesday, November 16, 2021 2:51 PM Pacific Standard Time	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY. A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

20-CA-286039

Date Filed

03/04/2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Valdivia Trucking		b. Tel. No. 707-836-4124
		c. Cell No. (b) (6), (b) (7)(C)
		f. Fax No. 707-837-2981
d. Address (Street, city, state, and ZIP code) 254 Colgan Avenue Santa Rosa, CA 95404	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail valdiviatrucking29@yahoo.com; info@valdiviatrucking.com
		h. Number of workers employed 27
i. Type of Establishment (factory, mine, wholesaler, etc.) Trucking company	j. Identify principal product or service Hauling of sand and gravel	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named employer has implemented a unilateral change in its disciplinary procedures without giving the Union notice and an opportunity to bargain. Within the last six months, the above-named employer has imposed discipline in a discriminatory fashion based on employees' support of the Union and has used discipline and the threat of discipline to restrain and coerce employees in their exercise of rights under the Act.

Within the last six months the employer has made threats and promises of benefit to employees based on their support of the Union by telling employees that those who support the employer will receive prevailing wage jobs and preferential assignments and working conditions and those who support the Union will not. Within the last six months, the employer has made an unlawful promise of benefit by promising to extend credit and other assistance to an employee in exchange for dropping (b) (6) support of the union.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Teamsters Local 665

4a. Address (Street and number, city, state, and ZIP code)

1371 Neotomas Avenue
Santa Rosa, CA 954054b. Tel. No.
707-542-1292

4c. Cell No.

4d. Fax No.
707-542-1501

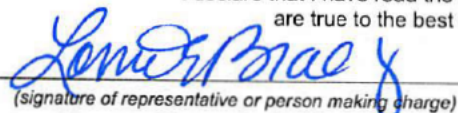
4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.


(signature of representative or person making charge)

Lorrie E. Bradley

(Print/type name and title or office, if any)

Tel. No.
510-625-9700

Office, if any, Cell No.

Fax No.
510-625-8275e-mail
lbradley@beesontayer.comAddress Oakland, CA 94607Date March 4, 2022**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

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Fax: (415)356-5156



Download
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March 9, 2022

(b) (6), (b) (7)(C)
Valdivia Trucking
254 Colgan Avenue
Santa Rosa CA 95404

Re: Valdivia Trucking
Case 20-CA-286039

Dear **(b) (6), (b) (7)(C)**

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Attorney MATT PETERSON whose telephone number is (628)221-8868. If the agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman", written in a cursive style.

JILL H. COFFMAN
Regional Director

Enclosure: Copy of first amended charge

cc: Diane Aqui, Attorney
Smith Dollar PC
418 B Street
Fourth Floor
Santa Rosa CA 95401

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VALDIVIA TRUCKING

Charged Party

and

TEAMSTERS LOCAL 665

Charging Party

Case 20-CA-286039

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 9, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
Valdivia Trucking
254 Colgan Avenue
Santa Rosa CA 95404

Diane Aqui, Attorney
Smith Dollar PC
418 B Street
Fourth Floor
Santa Rosa CA 95401

March 9, 2022

Date

Caroline Barker, Designated Agent of NLRB

Name

/s/ Caroline Barker

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

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Mobile App

March 9, 2022

Juan Gallo, Union Representative
Teamsters Local 665
1371 Neotomas Avenue
Santa Rosa CA 95405

Re: Valdivia Trucking
Case 20-CA-286039

Dear Mr. Gallo:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Attorney MATT PETERSON whose telephone number is (628)221-8868. If the agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

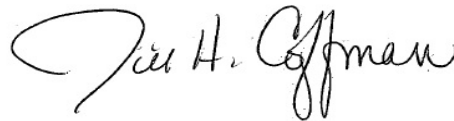
Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



JILL H. COFFMAN
Regional Director

cc: Lorrie E. Bradley, Attorney
Beeson Tayer & Bodine
492 Ninth Street
Suite 350
Oakland CA 94607

Copy of charge only sent to:

Bradley T. Raymond, General Counsel
IBT
25 Louisiana Avenue NW
Washington DC 20001

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 20-CA-286039	Date Filed 07/27/2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer		b. Tel. No.
		c. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

(b) (6)

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

4a. Address (Street and number, city, state, and ZIP code)	4b. Tel. No.
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Address

Date

Tel. No.

Office, if any, Cell No.

Fax No.

e-mail

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
450 Golden Gate Ave., Suite 3112
San Francisco, CA 94102

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156



Download
NLRB
Mobile App

July 29, 2022

(b) (6), (b) (7)(C)

Valdivia Trucking
254 Colgan Avenue
Santa Rosa CA 95404

Re: Valdivia Trucking
Case 20-CA-286039

Dear **(b) (6), (b) (7)(C)**

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner NORMA G. PIZANO whose telephone number is (628)221-8870. If the agent is not available, you may contact Supervisory Field Examiner OLIVIA VARGAS whose telephone number is (628)221-8876.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, reading "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly legible.

JILL H. COFFMAN
Regional Director

Enclosure: Copy of second amended charge

cc: Diane Aqui, Attorney
Smith Dollar PC
418 B Street
Fourth Floor
Santa Rosa CA 95401

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VALDIVIA TRUCKING

Charged Party

and

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 665**

Charging Party

Case 20-CA-286039

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 29, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
Valdivia Trucking
254 Colgan Avenue
Santa Rosa CA 95404

Diane Aqui, Attorney
Smith Dollar PC
418 B Street
Fourth Floor
Santa Rosa CA 95401

July 29, 2022

Date

Caroline Barker, Designated Agent of NLRB

Name

/s/ Caroline Barker

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
450 Golden Gate Ave., Suite 3112
San Francisco, CA 94102

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156



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July 29, 2022

Juan Gallo, Union Representative
International Brotherhood of Teamsters
Local 665
1371 Neotomas Avenue
Santa Rosa CA 95405

Re: Valdivia Trucking
Case 20-CA-286039

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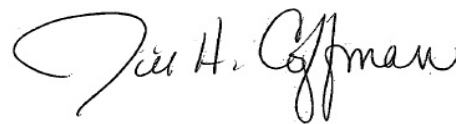
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Very truly yours,



JILL H. COFFMAN
Regional Director

cc: Lorrie E. Bradley, Attorney
Beeson Tayer & Bodine
492 Ninth Street
Suite 350
Oakland CA 94607

Copy of charge only sent to:

Bradley T. Raymond, General Counsel
IBT
25 Louisiana Avenue NW
Washington DC 20001

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

VALDIVIA TRUCKING

and

**Cases 20-CA-286039
20-CA-290910**

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 665**

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 20-CA-286039 and Case 20-CA-290910, which are based on two charges filed by the International Brotherhood of Teamsters Local 665 (Union), respectively, against Valdivia Trucking (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act) and 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (a) The charge in Case 20-CA-286039 was filed by the Union on November 9, 2021, and a copy was served on Respondent by U.S. mail on November 10, 2021.

(b) The first-amended charge in Case 20-CA-286039 was filed by the Union on March 4, 2022, and a copy was served on Respondent by U.S. mail on March 9, 2022.

(c) The second-amended charge in Case 20-CA-286039 was filed by the Union on

July 27, 2022, and a copy was served on Respondent by U.S. mail on July 29, 2022.

(d) The charge in Case 20-CA-290910 was filed by the Union on February 18, 2022, and a copy was served on Respondent by U.S. mail on February 18, 2022.

(e) The first-amended charge in Case 20-CA-290910 was filed by the Union on April 19, 2022, and a copy was served on Respondent by U.S. mail on April 20, 2022.

2. (a) At all material times, Respondent has been a California corporation with an office and place of business located at 254 Colgan Avenue in Santa Rosa, California (Respondent's facility) and is engaged in the business of operating a construction material hauling company.

(b) During the past twelve months, Respondent purchased and received at its Santa Rosa facility goods valued in excess of \$50,000 directly from customers located outside the State of California.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act):

(b) (6), (b) (7)(C) -- (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) -- (b) (6), (b) (7)(C)

6. (a) On August 16, 2021, the Union filed a petition in Case 20-RC-281474 to represent certain of the Respondent's employees.

(b) On October 13, 2021, the tallied ballots revealed that the Union received more than

a majority of the ballots.

(c) On October 27, 2021, the Union was certified as the exclusive bargaining representative of Respondent's drivers, truck washers, and mechanics.

7. (a) Between August 2021 and the October 2021 election, at its facility, Respondent, by (b) (6), (b) (7)(C), held three mandatory meetings on paid time addressing employees' exercise of Section 7 rights, namely the choice of whether to join a union.

(b) Between August 2021 and the October 2021 election, at its facility, in one of the meetings referenced above in subparagraph 7(a), Respondent, by (b) (6), (b) (7)(C), at its facility, orally and in writing, misrepresented employees' rights to deal directly with their employer after selecting the union as their exclusive collective-bargaining representative by telling employees that if the Union came in, they would not be able to talk with Respondent or ask Respondent questions without a Union representative present.

8. On about September 23, 2021, Respondent, by (b) (6), (b) (7)(C) promised employees benefits if they voted "no" in the election.

9. (a) On an unknown date shortly before the October 2021 Union election, Respondent, by (b) (6), (b) (7)(C) at a Santa Rosa gym, interrogated employees about which employees supported the Union.

(b) On an unknown date shortly before the October 2021 Union election, Respondent, by (b) (6), (b) (7)(C) by phone, interrogated employees about which employees supported the Union.

(c) About October 11, 2021, Respondent, by (b) (6), (b) (7)(C) by phone, by telling employees (b) (6) knew they attended Union meetings, created an impression among its employees that their union activities were under surveillance.

10. In about October or November 2021, Respondent, by (b) (6), (b) (7)(C) at Respondent's facility, threatened to remove work from employees who brought in the Union.

11. On about January 10, 2022, at Respondent's facility, Respondent, by (b) (6), (b) (7)(C) threatened employees with unspecified reprisals in retaliation for their union and/or protected, concerted activities.

12. (a) On about (b) (6), (b) (7)(C), 2021, Respondent issued discipline to its employee (b) (6), (b) (7)(C)

(b) On about (b) (6), (b) (7)(C), 2021, Respondent issued discipline to its employee (b) (6), (b) (7)(C)

(c) On about (b) (6), (b) (7)(C) 2022, Respondent significantly reduced the work hours of its employee (b) (6), (b) (7)(C) and otherwise imposed more onerous working conditions on (b) (6), (b) (7)(C)

13. By the conduct described above in subparagraph 12(c), Respondent caused the termination of its employee (b) (6), (b) (7)(C)

14. Respondent engaged in the conduct described above in subparagraphs 12(a)-(c) and paragraph 13 because employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) formed, joined, and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

15. By the conduct described above in paragraphs 7-11, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

16. By the conduct described above in subparagraphs 12(a) through (c) and paragraph 13, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of

employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

17. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before September 15, 2022**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the

required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT **on November 30, 2022, at 9:00 a.m., at 450 Golden Gate Avenue, Third Floor, Suite 3112, San Francisco, California**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board via a method and means to be determined by the administrative law judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: September 1, 2022



JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20
450 Golden Gate Ave.
3rd Floor, Suite 3112
San Francisco, CA 94102

Attachments

Form NLRB-4338

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 20-CA-286039
20-CA-290910

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)

Valdivia Trucking
254 Colgan Avenue
Santa Rosa, CA 95404

Diane Aqui, Attorney
Smith Dollar PC
418 B Street
Fourth Floor
Santa Rosa, CA 95401

Juan Gallo
International Brotherhood of
Teamsters Local 665
1371 Neotomas Avenue
Santa Rosa, CA 95405

Lorrie E. Bradley, Attorney
Beeson Tayer & Bodine
492 Ninth Street, Suite 350
Oakland, CA 94607

Bradley T. Raymond
General Counsel
International Brotherhood of
Teamsters (IBT)
25 Louisiana Avenue NW
Washington, DC 20001

NLRB Form-4668

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

Exceptions to the ALJ's Decision: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the

Diane Aqui, SBN 217087
daqui@smithdollar.com
SMITH DOLLAR PC
Attorneys at Law
418 B Street, Fourth Floor,
Santa Rosa, California 95401
Telephone: (707) 522-1100
Facsimile: (707) 522-1101

Attorneys for Respondent VALDIVIA TRUCKING

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 665,

Cases 20-CA-286039
20-CA-290910

Petitioner,
v.

**RESPONDENT VALDIVIA
TRUCKING'S ANSWER TO
COMPLAINT**

VALDIVIA TRUCKING

Respondent.

ANSWER

Respondent VALDIVIA TRUCKING (“Valdivia”), by their undersigned attorneys, for their Answer to the Complaint and Notice of Hearing (“Complaint”) filed by the Acting General Counsel of the National Labor Relations Board (“NLRB”), states as follows:

GENERAL DENIAL

Except as otherwise expressly stated herein, Valdivia denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in the preamble, headings, or subheadings of the Complaint, and Valdivia specifically denies that it violated the National Labor Relations Act (“NLRA”) in any of the manners alleged in the Complaint or in any other manner. Pursuant to Section 102.20 of the Board’s rules, averments in the Complaint to which no responsive pleading is required shall be deemed as denied. Valdivia

expressly reserves the right to seek to amend and/or supplement its Answer as may be necessary.

DEFENSES

Without assuming any burden of proof, persuasion or production not otherwise legally assigned to it as to any element of the claims alleged in the Complaint, Valdivia asserts the following defenses.

1. The Complaint and each purported claim for relief stated therein fail to allege facts sufficient to state a claim upon which relief may be granted.
2. Some or all of the claims asserted in the Complaint are barred by the six month statute of limitations set forth in Section 10(b) of the NLRA.

RESPONSE TO SPECIFIC ALLEGATIONS OF THE COMPLAINT

AND NOW, incorporating the foregoing, Valdivia states as follows in response to the specific allegations of the Complaint:

1. Respondent admits the allegations contained in paragraph 1 (a), (b), (c), (d) and (e).
2. Respondent denies the allegations contained in paragraph 2 (a), and admits the allegations in 2(b).
3. Respondent admits the allegations contained in paragraph 3.
4. Respondent admits the allegations contained in paragraph 4.
5. Respondent denies the allegations contained in paragraph 5.
6. Respondent admits the allegations contained in paragraph 6 (a), (b) and (c).
7. Respondent denies the allegations contained in paragraph 7 (a) and (b).
8. Respondent denies the allegations contained in paragraph 8.
9. Respondent denies the allegations contained in paragraph 9 (a), (b) and (c).
10. Respondent denies the allegations contained in paragraph 10.
11. Respondent denies the allegations contained in paragraph 11.
12. Respondent admits the allegations contained in paragraph 12 (a) and (b) and denies the allegations in paragraph (c).
13. Respondent denies the allegations contained in paragraph 13.
14. Respondent denies the allegations contained in paragraph 14.

15. Respondent denies the allegations contained in paragraph 15.

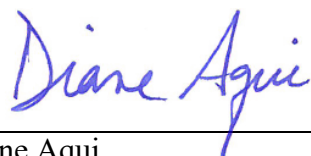
16. Respondent denies the allegations contained in paragraph 16.

17. Respondent denies the allegations contained in paragraph 17.

Valdivia reserves the right to raise any additional defenses not asserted herein of which they may become aware through investigation, as may be appropriate at a later time.

Dated: September 15, 2022

SMITH DOLLAR PC

By 
Diane Aqui
Attorney for Respondent
VALDIVIA TRUCKING

PROOF OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of 18 years and not a party to the within action. My business address is 418 B Street, Fourth Floor, Santa Rosa, CA 95401. On September 15, 2022, I served the **RESPONDENT VALDIVIA TRUCKING'S ANSWER TO COMPLAINT** on the parties to this action by serving:

Jill H. Coffman
Regional Director
National Labor Relations Board
Region 20
450 Golden Gate Ave.
3rd Floor, Suite 3112
San Francisco, CA 94102

Email: NLRB E-Filing System

Juan Gallo
International Brotherhood of Teamsters
Local 665
1371 Neotomas Avenue
Santa Rosa, CA 95405

Email: jgallo@teamsters665.org

Lorrie E. Bradley, Attorney
Beeson Tayer & Bodine
492 Ninth Street, Suite 350
Oakland, CA 94607

Email: lbradley@beesonayer.com

/X/ BY EMAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

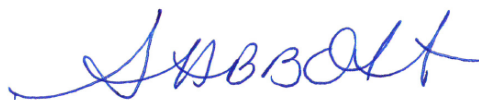
Bradley T. Raymond
General Counsel International
Brotherhood of Teamsters (IBT)
25 Louisiana Avenue NW
Washington, DC 20001

Telephone: (415) 356-5130
Facsimile: (415) 356-5156
Email:

/X/ BY U.S. MAIL: I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at the address above, following ordinary business practices. I am readily familiar with the practice of Smith Dollar PC for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: September 15, 2022



Stephanie Abbott

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

VALDIVIA TRUCKING

and

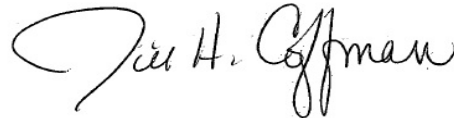
**Cases 20-CA-286039
20-CA-290910**

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 665**

ORDER RESCHEDULING HEARING

Pursuant to NLRB Rules and Regulations sections 102.16(a)(1) and (5), the hearing in the above-captioned matters, previously scheduled to begin on November 30, 2022, at 9:00 AM is hereby rescheduled to **December 12, 2022, at 9:00 AM**, and will continue on consecutive days until concluded at the National Labor Relations Board, Region 20, 450 Golden Gate Avenue, 3rd Floor, Suite 3112, San Francisco, California, or via another method and means, including videoconference, as directed by the presiding Administrative Law Judge.

Date: September 27, 2022



JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20
450 Golden Gate Avenue, 3rd Floor, Room 3112
San Francisco, CA 94102

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

VALDIVIA TRUCKING

and

**Cases 20-CA-286039
20-CA-290910**

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 665**

AFFIDAVIT OF SERVICE OF ORDER RESCHEDULING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 27, 2022, I served the above-entitled document(s) by **Electronic Mail** upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Valdivia Trucking
254 Colgan Avenue
Santa Rosa, CA 95404

Email: valdiviatrucking29@yahoo.com

Juan Gallo
International Brotherhood of
Teamsters Local 665
1371 Neotomas Avenue
Santa Rosa, CA 95405

Email: jgallo@teamsters665.org

Diane Aqui, Attorney
Smith Dollar PC
418 B Street, Fourth Floor
Santa Rosa, CA 95401

Email: daqui@smithdollar.com

Lorrie E. Bradley , Attorney
Beeson Tayer & Bodine
492 Ninth Street, Suite 350
Oakland, CA 94607

Email: lbradley@beesonayer.com

September 27, 2022

Date

Vicky Luu, Designated Agent of NLRB

Name

V Luu

Signature